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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,974	10/29/2003	Eric R. Weaver	1442.2	7992
22497	7590	03/25/2004	EXAMINER	
LARSON AND LARSON 11199 69TH STREET NORTH LARGO, FL 33773			HESS, DANIEL A	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,974

Applicant(s)

WEAVER, ERIC R.

Examiner

Daniel A Hess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ben-Aissa (US 2003/0197055 A1). Ben-Aissa teaches an employ accounting device connected to both a time recording device and an ATM having all of the features recited by the applicant in claims 1-11, 13 and 15. For example, Ben-Aissa teaches the following:

Re claim 1: See figures 4, 5 and 7. See also discussion pertaining to these figures: paragraphs [0051]-[0055] and [0063]-[0068]. The system is described by the applicant as an “APW” system: ATM, payroll, and work management [0019]; [0040]. The APW system includes the following, all coupled together via a central processing system (ref. 55 in figure 4 or ref. 101 in figure 7): ATM stations 65, a time recording device 20 (see figure 1 for expanded view; this is called APW electronic terminal), the employer HR system 58 (see paragraph [0052] or [0066]), and employer’s bank 61, and a bank with an account accessible to the employee 62. The particular accounts dealt with are inherently a payroll account for the employer (since that is

where the funds come from) and an employee account for the employee (since that is where the funds are destined to go to).

Re claim 2: A main purpose of the invention, described in the abstract, is to perform employee accounting and then automatically pass funds to an employee account. Employee accounting records [0052] such as pay rate is included, and a computer network processor (55 or 101) processes all of this information.

Re claim 3: This is the card 23 shown in figure 1 and figure 7. See abstract: the card is encoded with the pin. It is used both when time is entered at APW electronic terminal and when ATM is accessed (see figure 7).

Re claim 4: There is a slot 22 (see figure 1). As discussed, APW terminal is used for check-in / check-out.

Re claim 5: Work hours are computed by the system [0019].

Re claim 6: Pay rate [0052] and tax [0066] are handled for each employee by the system.

Re claim 7: See discussion re claim 2: disbursements are a major purpose. Salary payments, with taxes withdrawn, are made [0066].

Re claim 8: The ATM shown in figures 4, 5, 7 is for the purpose of cash withdrawals.

Re claim 9: See figures 1 and 2.

Re claim 10: See abstract: the PIN meets this limitation.

Re claim 11: See paragraph [0043] and refs 30-34: These are used to navigate through options. This implies a menu. Since this is a timekeeping device, this options are clearly timekeeping options. On the other end, the ATM machine can similarly be expected to have options.

Re claim 13: See discussion re claims 6 and 7 above.

Re claim 15: Security is clearly present to prevent tampering, namely a PIN number.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Aissa.

Re claim 12: See paragraphs [0053] and [0054]: The employer is advised in of a “break down” of the payroll: Clearly hours worked is an important piece of information most employers would want, to prevent cheating.

Re claim 14: The system ‘advises the employer’ of the payroll prior to making payment to the employ. While not explicitly stated, it would have been obvious to one of ordinary skill in

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the art at the time the invention was made that the employer could at their discretion stop payment, if a discrepancy is found. The motivation of course is to avoid theft.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vasic (US 2001/0034676 A1) has a system [0055] connecting payroll with ATM usage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel A Hess
Examiner
Art Unit 2876

DH


KARL D. FRECH
PRIMARY EXAMINER